

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JONATHAN MONSARRAT,)	
)	
Plaintiff,)	Civil Action No. 20-cv-10810-RGS
v.)	
RON NEWMAN,)	
Defendant.)	
)	

NOTICE OF ERRATA

Plaintiff Jonathan Monsarrat hereby submits this Notice of Errata concerning two inaccurate statements, one in paragraph 8 of his Amended Complaint, Doc. 9, and the second in a footnote in his opposition, Doc. 20 at 10 n. 9, to Defendant’s motion to dismiss the defamation claim on the basis of immunity. Neither error is material to the issue before the Court, namely whether Defendant is immune under 47 U.S.C. §230 regardless of the number and kind of alleged defamatory statements he posted on Dreamwith. The two statements and their respective corrections are:

The First incorrect statement is the immaterial inaccuracy of the identity of the website on which a certain single anonymously made defamatory statement concerning the Plaintiff was made as alleged in paragraph 8 of his First Amended Complaint. Doc. 9 ¶ 8. The Plaintiff does not contend that in 2017 the Defendant republished on Dreamwidth the precise defamatory phrase “Rapist/Con-Man” to describe the Plaintiff as that precise phrase was not originally posted on the LiveJournal website. The inaccurate phrase of the First Amended Complaint not originally published on the LiveJournal website is highlighted in yellow.

AS FILED AMENDED COMPLAINT

8. Beginning in 2010 on a “Davis Square” a publicly accessible, and indexed by search engines, discussion group, at <http://davis-square.livejournal.com>, hosted by LiveJournal, a number of

pseudonymous persons by means of both repeated references to a so-called “jonmon” page on the EncyclopediaDramatica website that had been posted by one or more of the same LiveJournal anonymous posters and their individual anonymous posted comments on the LiveJournal blog falsely accused Plaintiff of despicable crimes including being a pedophile, specifically a “sexual predator,” a “Rapist/Con-Man,” and a “child predator.”

The second incorrect filing is the inaccurate statement in a footnote in Plaintiff’s Opposition to Defendant’s motion to dismiss the defamation claim, Doc. 20 at 10 n. 9. This inaccuracy is also immaterial to resolution of Defendant’s immunity contention. The inaccurate portion of this footnote is highlighted in yellow:

Newman’s footnote 3 accurately recites the communications between counsel. It turns out that while two of the statements referenced in paragraph 8 had been originally posted not on LiveJournal but elsewhere, all three statements, regardless of where originally published, were in fact republished by Newman on Dreamwidth in 2017. AC ¶21. Newman acknowledges Plaintiff only sues Newman for what he published on Dreamwidth. Doc. 17 at 13.

As acknowledged above the precise phrase “Rapist/Con-Man” does not appear on Defendant’s publication on Dreamwidth and Plaintiff does not complain that in 2017 the Defendant published on Dreamwidth the precise defamatory phrase “Rapist/Con-Man” to describe the Plaintiff. Rather Plaintiff complains that the Defendant published defamatory and/or libelous statements about him in 2017 including by making the specific statements identified in paragraph 21(i) through (ix) of his Amended Complaint.

There is no prejudice from the timing of the corrections. Defendant has moved to dismiss the defamation claim essentially contending that regardless of precisely what defamatory and/or libelous words he published he is entitled to absolute immunity under 47 U.S.C. §230 as a matter of law.

Dated: December 24, 2020.

JONATHAN MONSARRAT
Plaintiff,

By his attorneys,

/s/ Richard A. Goren

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on December 24, 2020

/s/Richard A. Goren